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# Commercial Fertilizers, Commercial Feeds

## AND

# Agricultural Liming Materials

Section 13 of the current Fertilizer Law of Maryland authorizes enforcement officials to establish rules and regulations in regard to the inspection, analysis and sale of fertilizer that are not inconsistent with the recomendations of the Association of Official Agricultural Chemists, to the end that the provisions of this Act may be effectively administered and enforced. All regulations thus far adopted are included in this report.

**STATE INSPECTION SERVICE**
**Controlled by**
**UNIVERSITY OF MARYLAND**
**College Park, Md.**

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# Regulations Supplementing State Fertilizer Law

## In Effect January 1, 1932

### REGISTRATIONS

Each brand of fertilizer is required to be registered for each calendar year or portion thereof. Applications should be submitted on or before January first of each year, or subsequently before sales are made, on forms furnished by this Department. These forms shall have outlined thereon the name of the product, name and address of manufacturer and the guaranteed analysis thereof, stating the minimum per cent of total nitrogen, available phosphoric acid and water soluble potash, together with the sources of phosphoric acid and water soluble potash; provided, however, the ingredients from which the nitrogen is obtained need not be given—but the nitrogen guaranty may be divided into two classes, namely mineral and organic; and the percentage of nitrogen derived from each of these classes need only be stated; provided further that there shall be allowed a variation of one fourth of one per cent for goods containing two per cent of nitrogen or under, and a variation of one third of one per cent for goods containing from 2 to 3 per cent of nitrogen and a variation of ½ of one per cent for goods containing over 3% of nitrogen.

### Forms for Labeling

A. Every bag or package of fertilizer must show plainly on the outside of same, and every parcel or lot sold in bulk (except for manufacturing purposes) must be accompanied by the following information.

Net Weight in Pounds
Brand Name or Trade Mark
Grade (as 2-10-2), Namely 2% Nitrogen,
10% Phosphoric Acid and 2% Potash
Guaranteed Analysis in Percentages
Total Nitrogen
Available Phosphoric Acid ($P_2 0_5$)
Water Soluble Potash ($K_2 0$)
Name and Address of Manufacturer

B. The above represents minimum requirements. Nothing in this regulation shall be construed as prohibiting the presentation of information in addition to that set down therein as obligatory, provided such information accurately describes the product.

C. In the case of unacidulated bone, tankage, fish or other animal or vegetable material used as fertilizer, it shall be lawful to guarantee the phosphoric acid as total phosphoric acid.

D. When the name of a material is used as a part of the brand name of a mixed fertilizer, as for example blood, bone or fish, the nitrogen or phosphoric acid shall be derived from or supplied entirely by the material named. When the name of a material is used as a brand or as part of a brand and the nitrogen and phosphoric acid is supplied only in part by the material named, the word "brand" shall follow the name of the material. Example: "Fish Brand Fertilizer."

E. No applications for registration of mixed fertilizers will be accepted except those that are guaranteed to contain minimum percentages of nitrogen, available phosphoric acid, and water soluble potash, stated as **whole numbers** in the above order, and any numerals used on the bag or package or on any tag or label attached thereto to designate the analysis of any mixed fertilizer being sold or offered for sale must be stated in whole numbers.

## Preliminary Hearings

Section 11 of the Fertilizer Law provides that if it appears any of the provisions of the Act have been violated, the person or persons apparently responsible for such infractions shall be given an opportunity to offer any statement or evidence which would show cause why the matter should not be referred to the proper prosecuting attorney.

A. Nature of Hearings.

In the event such hearings are necessary, they will be held in the Office of the State Law Department in Baltimore. Written notice indicating the time and place will be rendered five days in advance. Hearings will be informal; while a personal appearance will not be mandatory, in most cases it is usually advantageous. Representation by Attorney will be permissable.

B. Results in Hearings.

If after hearings have been held and consideration given to all the facts, it is the opinion of Enforcement Officials that prosecution is not warranted, no further action will be taken. If in the opinion of Enforcement Officials, prosecution is warranted, the necessary legal procedure will then be initiated.

## Tolerances

It is the policy of this Department to require that guarantees as established by manufacturers shall always be maintained and the adoption of a definite tolerance is in effect a lowering of all such guarantees. As a matter of practical procedure, however, it is realized that slight allowances must be made for errors occurring in mixing, sampling and chemical examinations. The question of substantial deficiencies will be decided upon the facts of each

case with special reference to evidence of any deliberate attempt to meet the tolerance allowed rather than the guarantee.

A. Refund in Case of Deficiency.

While the Fertilizer Law contains no modification which makes it obligatory upon members of the fertilizer industry to repay consumers for financial losses they have sustained due to fertilizer deficiencies, this Department is occasionally requested to compute such losses. In computing such refunds, an overage in one constituent will not be construed as compensating for deficiencies in others. Members of the fertilizer industry frequently claim that a deficiency in one ingredient is compensated in value by an excess of another ingredent. In conformity with guaranty, however, the particular plant food guaranteed and purchased shall be delivered rather than an equal money value of another plant food.

## Mixed to Order Sales

Section 14 of the Fertilizer Law provides in substance that the registration fee shall not apply to any fertilizer mixed according to a formula furnished by the consumer. Sacks must be plainly branded "Mixed to Order" and in all other respects carry same information that is required to be shown on regular mixtures.

For each sale made under the "Mixed to Order" designation, manufacturers will be required to hold in their files an order signed by the consumer on which is shown the complete formula of the goods. This order must be held until the annual tonnage report, for the year in which sale is made, has been accepted by the Department.

## Interpretation of "Brands"

For the purpose of this Law, each commercial fertilizer or fertilizer material shall be considered as distinct and separate brands, when differing either in guaranteed analysis, name, brand or trade mark or in any other method of marking.